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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
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14 JACOB GREGOIRE,

15 Plaintiff,

16 v.

17 CALIFORNIA HIGHWAY PATROL,
18 an agency of the State of California;
19 SERGIO FLORES, and DOES 1 to 20,
20 Defendants.

Case No.: 14-cv-01749 GPC (DHB)

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
JOINT MOTION FOR
EXTENSION OF TIME TO FILE
OBJECTIONS TO PRETRIAL
DISCLOSURES**

Date: Ex Parte
Time: Ex Parte
Courtroom: Tenth Floor (Annex)
Judge: The Honorable David H.
Bartick

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22
23 **INTRODUCTION**

24 All parties to this action jointly bring this Motion to request an extension to
25 February 24, 2016, to file and serve their objections to pretrial disclosures. The
26 grounds for the request are set forth in the parties' Joint Motion.

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ARGUMENT

The Court has the authority to modify its scheduling order pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure. This provision provides: “A schedule may be modified only for good cause and with the judge’s consent.” In addition, Rule 6(b) of the Federal Rules of Civil Procedure provides in pertinent part:

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]

In addition to these statutory sources of authority to modify the deadline for filing a motion to compel, the Court has the inherent power to control and manage its docket and the course of proceedings. *Southern California Edison Co. v. Lynch*, 307 F.3d 794, 807 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992)).

“Good cause” to modify a scheduling order exists if the deadline for which modification is sought cannot reasonably be met despite the moving party’s diligence. *Noyes v. Kelly Services*, 488 F.3d 1163, 1174 n. 6 (9th Cir. 2007); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

CONCLUSION

For the reasons stated in the Joint Motion for Extension of Time to File Objections to Pretrial Disclosures, there is good cause to grant the parties’ request for an extension of time to February 24, 2016, to file objections to pretrial disclosures.

1 Dated: February 17, 2016

Respectfully submitted,

2 CASEY GERRY SCHENK
3 FRANCAVILLA BLATT &
4 PENFIELD, LLP

5 S/THOMAS D. LUNEAU
6 THOMAS D. LUNEAU, ESQ.
7 *Attorneys for Plaintiff Jacob*
8 *Gregoire*

9 Dated: February 17, 2016

Respectfully submitted,

10 GILLEON LAW FIRM

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14 *Gregoire*

15 Dated: February 17, 2016

Respectfully submitted,

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1 Dated: February 17, 2016

Respectfully submitted,

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6 DOUGLAS E. BAXTER
7 Deputy Attorney General
8 *Attorneys for Defendants State of*
9 *California (by and through the*
California Highway Patrol) and
Sergio Flores

10 I, Douglas E. Baxter, by my signature above, affirm and certify that all other
11 signatories listed above, and on whose behalf this filing is submitted, concur in the
12 filing's content and have authorized the filing.

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